

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, April 1, 2004

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, April 1, 2004, at 3:00 p.m., at Police Headquarters, 1300 Beaubien, Rm. 328-A, Detroit, MI 48226.

ATTENDANCE

Board Members Present

Willie E. Hampton **(ABS)**
Arthur Blackwell, II
Erminia Ramirez
Jim Holley
Megan P. Norris

Department Personnel Present

Chief Ella M. Bully-Cummings
AC Harold Cureton
AC Walter Shoulders
DC Willie Burden
Cmdr. Ralph Godbee
Insp. McKissic
Insp. Jamie Fields
Lt. Carter
Lt. Sharper
Sgt. Bennett
Sgt. Debbie Jackson
PO Huggins
PO Mays
PO Reed

Board Staff Present

Dante' L. Goss, Exec. Director
Denise R. Hooks, Attorney/Supervising Inv.
Arnold Sheard, Interim Chief Investigator

Ainsley Cromwell, Supervising Investigator
Elie Sassine, Senior Police Commission Investigator
Jeanise Monroe, Police Commission Investigator
Damon Nunn, Police Commission Investigator

OTHERS PRESENT

Mr. Cracchiolo
Rev. David Murray
Ron Scott
Rick Jones, City Council
Mr. and Mrs. Henry Dudzinski
Gloria Canales
Ms. Walters
Herman Vallery

RECORDERS

Jerome Adams
Kellie Williams
Felicia Hardaway

1. CALL TO ORDER

Commissioner Norris called the regular meeting of the Detroit Board of Police Commissioners to order at 3:20 p.m.

2. APPROVAL OF MINUTES

- **Thursday, March 18, 2004**
- **Thursday, March 25, 2004**

MOTION: **Comm. Holley** made the motion to approve the minutes of Thursday, March 18, 2004, Thursday, March 25, 2004.

SECOND: **Comm. Ramirez** seconded the motion

VOTE: All in attendance voted in the affirmative.

3. REPORT FROM THE CHAIR

RESOLUTION HONORING POLICE OFFICER GEORGE E. SHAVERS

- WHEREAS** Police Officer George E. Shavers retired on January 23, 2004 from the Detroit Police Department after thirty-one years (31) years of exemplary and dedicated service to the citizens of Detroit, and
- WHEREAS** George E. Shavers was appointed to the Detroit Police Department on September 10, 1973, and
- WHEREAS** Upon graduation from the Detroit Police Academy, Officer Shavers was assigned to the Tactical Mobile Unit, and
- WHEREAS** As a police officer with the Department, his assignments included the Thirteenth Precinct, the Tactical Services Section, the Mini Station Administration Section, the First Precinct, the Third Precinct, the Mounted Section, and the Twelfth Precinct, and
- WHEREAS** During his career with the Department, Officer Shavers was Police Officer of the Year in 1991 and received the Police Officer of the Month Award on two separate occasions. Officer Shavers also received the Detroit News Medal of Valor, the Stated Chief of Police Medal of Honor, (2) Departmental Citations, (3) Lifesaving Awards, (1) Chief's Unit Award, (5) Citations, (2) Perfect Attendance Awards, (2) Accident Free Driving Awards, the GOP Commemorative Award, and numerous letters of commendation from supervisors and citizens, and
- WHEREAS** Police Officer Shavers has served the Detroit Police Department with professionalism, integrity and dedication.

NOW, THEREFORE BE IT RESOLVED That the Board of Police Commissioners, speaking for the citizens of the City of Detroit and the Detroit Police Department acknowledges Police Officer George E. Shavers for his outstanding commitment to the Detroit Police Department. Police Officer Shavers' actions were in accordance with the highest standards and traditions of the Detroit Police Department.

We salute and congratulate you, Police Officer George E. Shavers.

/s/ Willie Hampton
Chairperson

/s/Arthur Blackwell
Vice Chairperson

/s/Megan P. Norris
Commissioner

/s/Jim Holley
Commissioner

/s/Erminia Ramirez
Commissioner

DETROIT BOARD OF POLICE COMMISSIONERS

APRIL 1, 2004

MOTION: Commissioner Ramirez made the motion to adopt the Resolution.

SECOND: Commissioner Holley seconded the motion.

VOTE: All in attendance voted in the affirmative.

4. SECRETARY'S REPORT – EXEC. DIR. GOSS

General Order

General Order Directive 303.4: Foot Pursuit, will be placed on the Agenda for discussion at the Board of Police Commissioners Community Meeting, scheduled for Thursday, April 8, 2004, at 6:30 p.m.

Suspension

On April 1, 2004, **Lieutenant Donald Wilson, Badge L-7**, assigned to the Thirteenth Precinct, was suspended **without pay** by Chief Ella M. Bully-Cummings.

On March 18, 2004, the Professional Accountability Bureau, Internal Affairs Section, was notified of an allegation of misconduct on the part of Detroit Police Department Lieutenant Donald Wilson. More specifically, the complaint alleged that Lieutenant Wilson did falsify official Detroit Police Department

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documents, those being a search warrant and preliminary complaint records. As a result, an Internal Affairs investigation was initiated.

The investigation revealed the following:

That on March 13, 2004, at approximately 3:30 a.m. Lieutenant Wilson contacted an Assistant Wayne County Prosecuting Attorney (hereinafter APA)

requesting the review and signing of a search warrant for premises located within the City of Detroit where illegal activity was allegedly being conducted. The APA declined to sign the search warrant advising Lieutenant Wilson that the information contained within the search warrant was stale.

At approximately 4:00 a.m. on that same date, Lieutenant Wilson contacted the APA and forwarded an addendum to the search warrant in support of probable cause to search the premises as articulated therein. The APA then signed the search warrant. Lieutenant Wilson then contacted a Thirty-Sixth District Court Magistrate to swear, under oath, to the facts contained within the search warrant. The search warrant was then executed at the location stated therein.

After executing the search warrant, Lieutenant Wilson returned to the base of operations wherein he ordered Officer 1 to prepare a Preliminary Complaint Record supporting the facts contained within the search warrant. Officer 1 did not assist in executing the search warrant nor did Officer 1 assist in establishing the probable cause contained within the search warrant. Officer 1 refused to comply with Lieutenant Wilson's order.

Lieutenant Wilson then ordered Officer 2 to prepare a Preliminary Complaint Record supporting the facts contained within the search warrant. Officer 2 did not assist in executing the search warrant nor did Officer 2 assist in establishing the probable cause contained within the search warrant. Fearing retribution, Officer 2 complied with Lieutenant Wilson's order and prepared a Preliminary Complaint Record. Upon completion of same, Officer 2 immediately advised the supervising officer of the circumstances whereupon the Professional Accountability Bureau was notified.

On March 29, 2004, a three (3) count felony warrant was issued against Lieutenant Wilson charging him with Perjury-Other Than Court Proceedings and two (2) counts of Misconduct in Office contrary to MCL 750.423 and 750.505c, respectively. Perjury-Other Than Court Proceedings is a Felony punishable by not more than fifteen (15) years in the state prison. Misconduct in Office is

punishable as a felony with five (5) years in the state prison and/or a fine of Ten-Thousand Dollars. Lieutenant Wilson was arraigned in the State of Michigan Thirty-Sixth District Court wherein a plea of not guilty to the charges was entered on his behalf. Lieutenant Wilson was released on a One-Thousand Dollar

(\$1,000.00) personal bond. A Preliminary Examination has been scheduled for April 13, 2004.

Based on the above circumstances, it is recommended that Lieutenant Wilson be charged with, but not limited to, the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNBECOMING AN OFFICER; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF DETROIT POLICE DEPARTMENT RULES AND REGULATIONS SECTION 102.3-5.7.

Executive Director Goss asked if there was anyone here on Lieutenant Wilson's behalf?

Unless contravened by this Commission, the above suspension without pay will stand.

CITIZEN COMPLAINTS RECEIVED

Weekly Count of Complaints: 42 369

2003

During the past week: 20 Year to Date: 300

****Due to the database system being down, the actual breakdown of figures are not available.**

Comm. Norris stated that for the benefit of the public, the 1st item that the Exec. Secretary read had to do with a policy that the Board placed on the agenda for discussion at next week's meeting. As some of you know, pursuant to the Consent Decree, there are a number of policies that are being revised or drafted new. Our procedure is that after the Chief has decided that she is satisfied with those policies and is prepared to submit them under the Consent Decree; they come to the Board and we announce when they will be discussed in advance so

that the folks who are interested can have an opportunity to be at the meeting where they are discussed. They will be presented by the Department and discussed at a meeting and then there will some time period, which will vary from shorter to longer depending on how much interest or concern there seems to be

regarding the proposed policies. There will be some time for public input, after which point, they will come back to the Board to be voted on for passage or not.

The Secretary has indicated that the **Foot Pursuit Policy**, which I think is one that is of great interest to a number of us, will be presented next week. We encourage the public to be there if they are interested so that we can hear that presentation.

Comments on Suspension of Lt. Wilson

Comm. Norris stated that regarding the suspension that was just heard, she knows from past experiences that is very unusual that an officer has the internal resources to come forward regarding another officer. In some situations like that it is very difficult for him to do. She trust that as the Chief and her staff are addressing all of this that the appropriate message will be sent that the person did the right thing.

Chief Ella M. Bully-Cummings stated that it will be but we also don't want to put members to take the initiative to step forward and we want to try and reduce any type of retaliation.

Comm. Norris stated which is why she stated we don't know their names.

Chief Ella M. Bully-Cummings stated we know their names.

Comm. Norris answered right. I understand and support that. The Commission would like the message to get back that when someone does have the ability to step forward like that is commendable and we hope that folks know that.

Chief Ella M. Bully-Cummings stated that is. One of the things that officers need to understand is that just because another member of the Department wants to cross that line, the other members should not jeopardize their career and their life for the sake of someone else. Plus, our policy requires that members come forward with information.

Comm. Norris stated so it does.

5. REPORT/PRESENTATION – CHIEF OF POLICE

Chief Ella M. Bully-Cummings informed the Board of incident that occurred where a woman and four (4) children were murdered today and the perpetrator is in custody.

DETROIT POLICE DEPARTMENT

REPORT TO THE BOARD OF POLICE COMMISSIONERS

Vision Statement

BUILDING A SAFER DETROIT THROUGH COMMUNITY PARTNERSHIPS.

The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and business. This effort is not possible without the joint commitment of the community and the Police Department.

ENFORCEMENT ACTIONS

The Narcotics Enforcement and Conspiracy Sections conducted three (3) enforcement actions within the boundaries of the Third, Fourth and Fifth Precincts. The enforcement actions resulted in the following arrests and confiscations:

- ◆ 5 Felony arrests
- ◆ 33.7 Grams of cocaine, 20.4 grams of heroin and 8,876 grams of marijuana – street value \$85,704.00
- ◆ \$294.00 U.S. currency

Additionally, on March 8 and March 25, 2004, two (2) narcotics blitz operations were conducted in boundaries of the eastside and westside precincts. There were a total of 52 enforcement actions, resulting in the following arrests and confiscations:

- ◆ 22 Felony arrests
- ◆ 91 Misdemeanor arrests
- ◆ 3 Juveniles detained
- ◆ 60.2 Grams of cocaine, 16.8 grams of heroin, 989.3 grams of marijuana and 5 pills – street value \$58,327.00
- ◆ \$11,767.00 U.S. currency
- ◆ 16 Handguns
- ◆ 1 Vehicle
- ◆ 84 Miscellaneous ordinances issued

The Vice Section conducted one (1) enforcement action in the 5300 block of McDougal. The enforcement action resulted in the following arrests and confiscations:

- ◆ 3 Arrests for "Engage in Illegal Occupation"
- ◆ 5 Arrests for "Loitering in a Place of Illegal Occupation"
- ◆ 7.1 Grams of marijuana and 30 pills (ecstasy)– street value \$328.00
- ◆ \$1,221.00 U.S. currency
- ◆ 1 Handgun
- ◆ 8 Miscellaneous ordinances issued

PROJECT CRUSADERS

Project Crusaders is a collaborative effort involving the City of Detroit Mayor's Office, the Detroit Police Department, the Wayne County Sheriff's Department, the Michigan State Police, the United States Attorney's Office, the Bureau of Alcohol, Tobacco and Firearms and the Michigan Department of Corrections. These agencies have combined resources to collect and analyze relevant data for the purposes of implementing enforcement activities that will reduce serious and violent crimes. The following are a result of their endeavors within the boundaries of the Twelfth Precinct, during the period of February 9 – March 7, 2004:

- ◆ 340 Felony arrests
- ◆ 355 Misdemeanor arrests
- ◆ 10 Juveniles detained
- ◆ 142.7 Grams of cocaine, 6.24 grams of heroin and 1,365.8 grams of marijuana – street value \$73,775.00
- ◆ \$5,834.00 U.S. currency
- ◆ 21 Handguns
- ◆ 200 Miscellaneous ordinances issued
- ◆ 2,925 Traffic tickets issued

SIXTH PRECINCT

On March 25, 2004, officers of the Sixth Precinct while on patrol in the area of Plymouth and Southfield Road were flagged down by a citizen. The citizen stated there was an armed robbery in progress in the 18000 block of Plymouth at the Payless Shoe Store. The officers responded to the location and observed two employees and a security guard struggling with one of the robbery suspects.

The suspect was arrested and conveyed to the Sixth Precinct, without further incident. One employee was conveyed to Grace Sinai Hospital for minor injuries. A warrant has been issued for the second robbery suspect.

COMMUNITY RELATIONS

SEVENTH PRECINCT

On March 28, 2004, Gratiot Presbyterian Church held a service in honor of March as Women's History Month. The focus of this event, "Celebrating the Gifts of Women in Law Enforcement," was to recognize women in law enforcement. Chief Ella M. Bully-Cummings, Inspector Marilyn Hall-Beard, Sergeant Shirley Joyner, all of the Detroit Police Department, Wayne County Prosecutor Kim Worthy, Wayne County Sheriff Commander Pamela McClain and State Trooper Kathleen Lewis were the women honored at the ceremony. A special tree

planting tribute will be held at a later date to give honor to slain Officer Jennifer Fettig.

TWELFTH PRECINCT AND THE AMERICAN HEART ASSOCIATION TEAM UP TO WIN THE HEARTS OF THE COMMUNITY

The Twelfth Precinct will host its first annual Community Health Walk on Saturday, April 3, 2004, at 10:00 a.m., at the Twelfth Precinct, located at 1440 W. 7 Mile. Prior to the walk commencing, a health screening will be available from 9:00 a.m., to 10:00 a.m. The walk will consist of two courses around Palmer Park as follows: a 1½-mile walk and a 3-½ mile walk. Please contact the Twelfth Precinct at (313) 596-1210, for any additional information regarding this event.

CITYWIDE COMMUNITY PRAYER VIGIL

On Monday, April 5, 2004, at 11:00 a.m., Detroit will join together praying for peace and for an end to violence, with the theme, "Lets Lift Our City Up in Prayer!" As another component of Mayor Kwame M. Kilpatrick's "Church Community Covenant," pastors, police, city workers, citizens and all interested persons are invited to join in this event. The citywide community prayer vigil will be held at each precinct within the city of Detroit. The initiative will include: prayer, reflection and song. If there are any questions or additional information needed, please contact Ms. Darlene Hicks at (313) 224-2616.

DETROIT TIGERS OPENING DAY

The Detroit Tigers opening day is Thursday, April 8, 2004.

CHIEF OF POLICE ELLA M. BULLY-CUMMINGS

6. PRESENTATION – COMMERCIAL AUTO THEFT SECTION

The presentation was given by Lieutenant Samuel Carter, Commanding Officer of the Detroit Police Commercial Auto Theft Section. **(See attached)**

Comm. Blackwell asked what happens to the owner of the shredder?

Lt. Samuel Carter stated that the owner of the shredder is not obligated to do anything under the state law if that driver gives him a certain form called a TR-9. He doesn't even have to verify the vehicle identification number with the car that is on the back of the truck.

Comm. Blackwell stated his issue is if its that easy then there is so much profit and you can run as many cars to me as possible until somebody catches you.

But as long as they don't catch you, I have no liability.

Lt. Samuel Carter stated they have no liability. The law

Comm. Blackwell asked as anybody thought about trying to create some kind of penalty on the individual than have to a little more owners, it is like buying stolen property basically.

Lt. Samuel Carter stated well sir, we have tried. That is a particular form that I hate. I call it a license to steal since 1986, with the exception of six (6) years, I went back to Homicide. I have been in Auto Theft and I have been fighting that form, and the project that we are doing right now, I am hoping to take some of that evidence and information to Lansing and see if we can get the legislature to at least require that they check the Vehicle Identification Number (VIN) numbers on the car.

Comm. Blackwell addressed to the Board that we might want to look at some kind of policy to send to the City Council in the form of an ordinance. Whether it importunes the legislature or just try to create some kind of penalties outside of legislation being in order. In other words, it is going to be very hard to prosecute the car thief if he gets into the shredder and gets rid of all of the evidence.

Lt. Samuel Carter answered that is correct, Sir.

Comm. Holley stated it is a double standard. It is like everything else.

Comm. Blackwell stated that it is like drug dealing; penalize the dealer but not the supplier.

Lt. Samuel Carter stated that the form was created for scrap dealers who send cars off to the shredder, and in most cases, have you seen the cars all flattened out?

Comm. Blackwell answered yes.

Lt. Samuel Carter stated that is what the form was created for. When the car is flattened out like that, the shredder would not be able to look at the VIN number.

Comm. Blackwell stated I am saying before it gets flattened?

Lt. Samuel Carter stated but these guys took a

Comm. Holley stated that you might find Jimmy Hoffa if they did it the right way.

Lt. Samuel Carter stated that before it gets flattened, the owner of the scrap yard is supposed to have the title. When he fills out that TR-9 form that is what

he is saying to the guy who crushes it, that there are two (2) different entities there. The guy who crushes the car, he is saying to him that I have the title, and that is a state form that the State of Michigan uses and authorizes that vehicle to be crushed based on that form.

Comm. Holley stated that it is ludicrous to think that you are going to stop. You spend all of this energy and all of this money on the front end and nothing on the back end to stop the guy from shredding the thing. What we are saying is and what I hear you saying to the Commissioners is that maybe there is something that we can do to get the paperwork going to maybe get some attention to this fact because we are the ones that are getting the bad credit for it. This is a reflection upon us, our city. It seems to me, what I hear the Commissioner saying is rather than you be defending them, which I think you want help, in fact, I think you are doing a wonderful job, then let us help you.

Lt. Samuel Carter answered alright.

Comm. Holley stated that if we can help you by trying to.....

Comm. Blackwell stated that by going to City Council, and having them adopt something and bring some attention to it; but I think the bigger issue I keep hearing what you are saying is that all I have to do is show a form and the form could be fraudulent. Once a person reasonably says: this is what they gave me and I am running a business, I'm dealing with volume, and I don't have time to look at everything. I am trying to figure out if there is a way that whenever you take the profit out of something, then that is when you are really able to deal effectively. I know you know this, and I am just trying to help you.

Lt. Samuel Carter stated that his project is part of an overall operation that we have been doing in the Commercial Auto Theft Section, that we call (TOP) (Take Out the Profit). When we finish dealing with the drivers the rest of this week. Next week, we are going to go over to the people who provide the form.

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Because I was reading the state law and I got with the Prosecutor's Office; myself and some of my officers got together and we figured out a way to get the guy who owns the form, so we will be after him next week.

Comm. Ramirez asked technically, you can just pick up my car and just take it over and shred it?

Lt. Samuel Carter stated that yesterday we started the operation at 7:00 a.m., one of the first trucks that came through at 7:15 a.m., had a car on it. When we examined the vehicle, it had a club on it, and the back window was busted out. The driver stated that he had a call from a guy who told him to come and pick up the car off his private property and that it shouldn't be there. When we ran the title on the vehicle, the registered owner's residence was listed on the title, and was located about six (6) blocks away, so we went by and knocked on the guy's

door and we told him that we would like to talk to him about his car. He stated that his car is parked out front of the house. He looked around the officer and it was gone.

The other team that is funded by the Automobile Theft Division Authority, is a team called The Screen Door Unit. Many years ago, people would be arrested for Possession of Stolen Motor Vehicle, and for numerous reasons, only about 5% of them were ever prosecuted in court. We decided at the Commercial Auto Theft Section and in the Detroit Police Department, that if we could have a team that would focus on those individuals, that we could have an impact on auto theft. That is the function of that team. Everyone that is arrested in the City of Detroit for Possession of a Stolen Motor Vehicle is turned over to that team.

Comm. Blackwell asked if this is money that the city pays and the ATA portion paid to operate the units?

Lt. Samuel Carter answered that is correct.

Comm. Blackwell asked is that the budget?

Lt. Samuel Carter answered that is correct.

Comm. Blackwell stated sometimes in drug busts, you get forfeiture money where you get to keep a certain portion of it. My issue is it seems like the insurance company would have an incentive if you recover 50 or 60 cars, they don't have to pay the claim on. It would seem that they would be....and you are

saving them money. By your efforts, you are able to reduce their liability. Has anybody thought about talking to them about trying to find a way that if you recover a car? If we turn the other way, then they are going to continue to like he

read on the first page, these are actually awards that they are paying out?
Correct?

Lt. Samuel Carter answered they collect that money but they are not paying it actually. They are collecting it and you pay it. All of us who insure our vehicle pay one (1) dollar a year.

Comm. Blackwell stated I understand that.

Lt. Samuel Carter stated they collect it and then turn it over to the ATPA.

Comm. Blackwell stated that he is saying in terms of when a car is stolen, they pay to replace a car; and that comes out of the pool of premiums that they collect from insurers. The less that they pay out, the more money they have. There are profit making businesses. The question that I am asking is if you are making this yeoman's effort, which I agree you are, and it is going to reduce the amount of liability that they have; it would seem to me that somebody needs to think about maybe there is insurance companies, as an incentive, because obviously, we are using manpower. It is very important for us to do this, because it is a part of policing and keeping the community safe. But also, you are helping the insurance companies in terms of that. I don't know what the technical term is loss prevention or whatever their rates are. The more cars that are stolen, the more their rates go up. In other words, in addition to redlining, there is another form. I was asking that because, for instance, you recovered a guy's car that was going to be shredded today; If you had not recovered it, the insurance company would have had to pay the claim on the guy for a lost car. Is that correct?

Lt. Samuel Carter answered that is correct, Sir.

Comm. Norris stated there has to be some incentive.

Comm. Blackwell stated there has to be some.....

Lt. Samuel Carter stated that he would like to address that a little further along.

Comm. Blackwell answered okay.

Lt. Samuel Carter answered thank you, Sir.

Comm. Blackwell stated that you are doing great police work but there is a bigger policy issue on top of all of this. I think that is what we are saying is that there is money at the highest ends of this stuff and the people will never own up or do anything. For instance, the other issue is that the Chief knows a big bone

of contention is the fact that many cities, they reimburse the city for overtime for police officers, that is an issue. So here, we don't necessarily do that and that is putting a drain on us. You are doing the city's work and doing such a great job with this that you are actually helping the insurance companies out.

Lt. Samuel Carter stated Sir.....

Comm. Blackwell stated I am just saying don't stop doing what you are doing. I am trying to take what you are doing and see if there is something that the Board can do to help make it better in terms of dollars.

Lt. Samuel Carter stated what we would like to do is something that we would like to see that would help all of the citizens of Detroit; we would like to get our insurance rates reduced. There are some things in the works for that also.

Comm. Blackwell answered okay.

Comm. Holley asked Lt. Carter explain to him the report monies deposited to Forfeiture. Where would Forfeiture money come from or give an example?

Lt. Samuel Carter answered recently we made a raid. We were investigating some individuals who were breaking into contractor's vehicles and stealing the tools. We found a very large fencing operation. There was a house in the 11th Precinct; we raided the house, and we also ended up raiding four (4) storage bins in Warren, just north of 8 Mile Road. All of that merchandise; some of it we have identified and returned to the owners; but some of it will have to be auctioned off eventually. That is how Forfeiture money comes about.

Comm. Holley asked you can't get any of that?

Comm. Norris answered no. It is all going into the General Fund.

Lt. Samuel Carter stated that is by city ordinance.

Comm. Holley asked do you have an idea how money that it was last year?

Lt. Samuel Carter answered no, Sir, I don't .

Comm. Blackwell stated that you just said that you sell the tools?

Lt. Samuel Carter answered because it goes into the General Funds; the tools are sold at an auction.

Comm. Blackwell stated that his issue is that why couldn't you seize the house and the place where they were at?

Lt. Samuel Carter answered the Prosecutor's Office indicated that we couldn't but we tried.

Comm. Blackwell stated that they seize houses for drug arrests.

Lt. Samuel Carter stated that the drug ordinances are a little bit different than the stolen property.

Comm. Blackwell asked is it law? Is it something that you could change?

Lt. Samuel Carter answered I imagine Sir.

Comm. Blackwell stated that we are creating a double standard and we are saying to the guy if you sell dope, we will take your house. If you steal expensive tools, we can just come and take the tools. Crime has to be color blind.

Lt. Samuel Carter answered I only enforce them, I don't write them.

Comm. Blackwell stated to Comm. Norris that we have our work cut out for us.

Comm. Norris stated I agree because some of this stuff is city issues that are city ordinances that we ought to be able to address.

Comm. Blackwell stated that if they are city ordinances, we should send a stack of ordinances to the City Council to see if we can forfeit people that try to steal valuable property. Illegality is illegality.

Comm. Norris stated that it doesn't make sense to draw that line.

Comm. Blackwell stated that would start slowing a lot of stuff down.

Comm. Norris stated lets work with the cars.

Comm. Blackwell stated that is 7 million dollars that the insurance company didn't have to pay.

Comm. Norris stated that is exactly right.

Lt. Samuel Carter stated that some of it was already paid out, and you get the vehicle back.

Comm. Blackwell asked they already paid the individual and...?

Lt. Samuel Carter answered some of them, the vehicles may already be paid off.

Comm. Blackwell stated not the vehicle is being paid off but what I am saying is this is the value of the recovered property.

Lt. Samuel Carter answered the vehicles that we recovered, yes.

Comm. Blackwell asked if they weren't recovered and they had insurance, wouldn't the insurance company have to replace their vehicle?

Lt. Samuel Carter answered yes.

Comm. Blackwell stated so what I am saying is that is money that the insurance company did not have to pay.

Comm. Norris stated that is money saved.

Comm. Blackwell stated money saved. So it seems like you should be able to get at nice 20% of it. There is no incentive. They want us to just do work for free.

Comm. Blackwell asked if the rates were down 200% of the average? We pay twice what other people paid.

Lt. Samuel Carter stated no, I am not referring to the insurance rate; I am referring to the theft rate.

Comm. Norris stated that this is one where we want to be lower down on the list not higher up.

Lt. Samuel Carter answered that is correct.

Comm. Blackwell asked how are the statistics kept? If they steal a car outside of Detroit, and it is drugged back to Detroit, is it counted against Detroit?

Lt. Samuel Carter answered no.

Comm. Blackwell stated he was told, for instance, your insurance is in Detroit and you are at a mall and someone steals your car; it goes against the city.

Lt. Samuel Carter answered no, Sir. That is why we are required to report by the FBI statistics the crime that happens in a particular city; happens in that particular city.

Comm. Holley asked if there has been any study. He hears that crime rate is down because you guys have been doing your job. Has there been any study done in terms of any particular lock that is a greater deterrent factor of people stealing the car? Has any study been done in terms of whether is it the bar or whether it is a theft lock? Has anything been done to that would indicate that perhaps if you got on the top end that your people working on; and on the bottom end, people are required to have a certain instrument like you would have to have a seatbelt or something. Is there any study been done on what is the least amount?

Lt. Samuel Carter answered there are no official studies and we as police officers, recommending the club or some other particular device. We are not allowed. I do tell people when I go to the community meetings that one of the things that we do with our own cars is even though they may have factory alarms, even though they may have chips in the keys, when a car is assigned to my unit, it does not hit the street until it gets a secondary anti-theft device on it.. Usually a pad operated key switch where you have to punch in the number.

Comm. Holley asked if you do the lectures like you are presenting to us, to the state or to other officials, somewhere down the line, it looks like some of the things that we are talking about here, and we have to rely on you to say to them that perhaps this can help. If you have this much crime rate going down, can you imagine if we could find something like a club that would be a device that people would be asking or the insurance company will require people to have that would sometime reduce theft, then it means that all of us would benefit from it because our insurance rate would go down. If you are advocating that here, there are other places that we are not like the state dept, state troopers, Michigan State Police, or in the legislature, that would help all of us. We have never been invited that I know of to the legislature to make this statement in which Comm. Blackwell is speaking out. I think that is very important to have that information out in terms of ordinances. Obviously, you can only do so much. What is the point of making a report to us, if we don't come back and say let us help you? If you are making suggestions to us Chief, and we have some excellent suggestions, where does it go from here? We understand your job, and you do you what do. What is our point if you come to us and make this excellent report, we have some excellent suggestions and we put our heads together, where do we go from here? What is the point of making the report?

Comm. Norris stated that Rev. Holley made some very good comments. There are some issues that sound like we should be taking them to City Council and

after that, if there are other places to go, we can discuss those. I think that is what the policy committee can think about.

Comm. Blackwell stated like the insurance commissioner.

Comm. Norris answered exactly. I think that these are some things that we can weigh in on and we should do that.

Comm. Blackwell stated that talking to people that I know who live outside of the city; the rates are 2 to 1 on the same car, regardless of your driving record.

Comm. Blackwell stated that was an excellent report.

Lt. Samuel Carter answered thank you very much.

7. REQUEST TO ACCEPT APPROVAL OF A GRANT

1. The Michigan Commission on Law Enforcement Standards (MCOLES) has awarded the Training Bureau of the Detroit Police Department a ***"Policing in the 21st Century"*** Grant in the amount of **\$16,642.00**. There is **no cash match**.

The grant is designed to enhance the skills of police officers and assist them with the law enforcement challenges of the 21st Century. New criminal statutes, budget constraints, and escalating crime has forced law enforcement agencies to develop new crime fighting techniques and approaches.

This grant will join police and city officials from the metropolitan Detroit area to engage in problem solving dialogue and to develop proactive crime fighting action plans.

MOTION: **Comm. Ramirez** made the motion to approve the Grant.

SECOND: **Comm. Blackwell** seconded the motion

VOTE: All in attendance voted in the affirmative.

2. The Bureau of Justice (BJA) is providing federal funds for the ***"Bulletproof Armored Vest Partnership Program"*** Grant for the

Detroit Police Department. These funds will be used for states and units of local government to equip their law enforcement officers with armored vests. The Department purchased approximately 249 vests in 2003 at a cost of \$424.95 per vest, for a total of **\$105,812.55**. There is no cash match.

This reimbursement program provides funding for up to (50%) of the total costs (including taxes, shipping and handling charges). The entire application and payment process occurs electronically the Internet.

Comm. Blackwell asked Chief Ella M. Bully-Cummings does every officer on the street have a vest or has access to a vest?

Chief Ella M. Bully-Cummings stated that every officer on the department has been issued a bullet proof vest.

Comm. Blackwell asked are they are required under the policies and procedures to wear it?

Chief Ella M. Bully-Cummings answered if not, they are required to sign a waiver.

Comm. Blackwell stated okay.

Comm. Ramirez asked do we have many that waive not to wear it?

Chief Ella M. Bully-Cummings stated that we have officers that waive but it is not that many. I think that the officers recognize that it is in their best interest especially when they are working on patrol or undercover assignments to wear bullet proof vests.

Comm. Holley stated that he was told that just those officers that were in particular situations were required but you are saying that every officer is assigned a vest.

Chief Ella M. Bully-Cummings stated that every officer is issued a department bullet proof vest.

Comm. Blackwell asked about the technology and that the vest has to get better. Are the vests getting better?

Chief Ella M. Bully-Cummings that the vests are made with Kevlar. There is currently some debate concerning Zylon. In some cities, she believed that a

bullet penetrated the material in the vest. She believed that there was something on the national level where they are looking into it. We use Kevlar. There are different types of vests. SRT has when they go out on critical incidents; their vests are a little bit different than the patrol officers because of what it is made up of. I know that some of the vests that SRT uses have metal plates also and they weigh a ton. So it just depends on what activity you are engaged in.

MOTION: **Comm. Ramirez** made the motion to approve the Grant.

SECOND: **Comm. Blackwell** seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. The Domestic Violence Unit of the Detroit Police Department is requesting permission to apply for the ***“Encourage Arrest Polices and Enforcement of Protection Orders Program”*** Grant from the United States Department of Justice (USDOJ) in the amount of **\$1,499,109.50**. There is **no cash match**.

The purpose of the program is to encourage communities to adopt a coordinated community response (CCR) in the treatment of domestic violence as a serious violation of criminal law. This program challenges the entire community to listen, communicate, identify problems, and share ideas that will result in new responses to ensuring victim safety and offender accountability.

MOTION: **Comm. Ramirez** made the motion to approve the Grant.

SECOND: **Comm. Blackwell** seconded the motion

VOTE: All in attendance voted in the affirmative.

8. OTHER BUSINESS

Vacancies in the Office of the Chief Investigator

Comm. Norris stated that there is a vacancy at the level of Supervising Investigator. She is recommending that the Board promote Senior Police Commission Investigator, Elie Sassine to this position.

MOTION: **Comm. Norris** made the motion to promote Elie Sassine to the level of Supervising Investigator

SECOND: **Comm. Ramirez** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Comm. Norris stated that there is a vacancy at the level of Senior Investigator. She is recommending that the Board promote Investigator Victoria Scott-Miller to this position.

MOTION: **Comm. Norris** made the motion to promote Victoria Scott-Miller to the level of Senior Investigator.

SECOND: **Comm. Blackwell** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Comm. Norris stated that there are two (2) vacancies in the position of Investigator. Historically, these positions can only be filled with the approval of this Commission. What we have done for that level of position in the last several years is that the Commission has delegated to the Personnel Committee the authority to fill those positions. Personnel Committee has often delegated to staff the authority to do the search for those positions but the actual decision about filling them has gone back to the Personnel Committee.

MOTION: **Comm. Norris** made the motion to delegate the Personnel Committee the authorization to hire two (2) Investigators.

SECOND: **Comm. Blackwell** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Comm. Norris stated that the Office of the Chief Investigator (OCI) has a number of positions. She stated that because of requirements under the Consent Decree, for a variety of reasons, experiencing a real crunch at the Investigator level. We have some non-Investigator positions which she is not prepared to recommend that we eliminate them because they are positions that we want to have going forward but at the moment, it maybe that we need the

people that have the capacity to at least conduct investigations to also serve in those positions. She would like to delegate to the Personnel Committee the authority with our Executive Director and the Chief Investigator to make sure that we are staffing those positions in the most efficient way possible to do what we need to do recognizing that they cannot hire or terminate anybody without the authority of the Board as delegated to the Personnel Committee.

MOTION: **Comm. Norris** made the motion to delegate the Personnel Committee the authority to work with the staff to make whatever changes necessary in our current staffing to meet the needs we have as a result of the Consent Decree.

SECOND: **Comm. Ramirez** seconded the vote.

VOTE: All in attendance voted in the affirmative.

Comm. Holley asked this doesn't mean we lose those two (2) spots)?

Comm. Norris stated no. That is exactly why she didn't want to officially reorganize; she wanted to make sure that we have people in spots that can do anything we need them to do right now. That is exactly right.

Comm. Holley asked do they understand that?

Comm. Norris answered yes, I think they do.

9. ORAL COMMUNICATION FROM THE AUDIENCE

Leonard Henderson was at last week's meeting regarding being assaulted. He stated that no one is in jail and no one has been investigated.

Mr. Henry Dudzinski expressing his concerns regarding some allegations that he had filed against the police department alleging he made some ethic slurs.

Chief Ella M. Bully-Cummings stated that the matter has been looked into and when she says she will look into it; it does not mean that I, Ella Bully-Cummings will do it personally. The investigation has been completed. I reviewed it and the appropriate action is going to be taken against the member that you made references to. I am not sure but you should have gotten some notification concerning the conclusion of that investigation. I am truly aware of what you are talking about because you made allegations concerning Inspector McCarthy. Why don't I have you see a member of my staff but it has been taken care of.

Mr. Henry Dudzinski stated that his 2nd complaint was against the Office of the Chief Investigator, who he alleges has had his complaint for approximately two (2) years. He states that a complaint was written up and he was asked to sign but refused but the information was not correct.

Comm. Norris asked is this a new complaint or the one that has been investigated by Mr. Marshall?

Mr. Henry Dudzinski answered I don't recall the name Marshall. Oh, you are talking about the private investigator.

Comm. Norris stated right. Is this a new complaint?

Mr. Henry Dudzinski answered no. This has to do with a complaint that I filed with OCI and it was to have been investigated and they sent me a copy.

Comm. Norris asked is this a new complaint or is this.....?

Mr. Henry Dudzinski stated that it is an old one that has been resolved and is being covered up. The people that are involved in it are sitting right here.

Comm. Norris stated let me tell you my understanding and Ms. Hooks if.....

Mr. Henry Dudzinski stated your understanding.....

Comm. Norris stated Mr. Dudzinski, please....

Comm. Norris stated Ms. Hooks if I am incorrect, please let me know because we spent a lot of time with Mr. Dudzinski. My understanding is that you brought a complaint to OCI. OCI took its normal course of action it undertook to investigate that complaint. You made some very strong comments, one could say defaming at minimum, disparaging comments about the people of OCI, and their integrity and their ability to investigate your complaint. Although, this Commission firmly stood behind the people that we employ at OCI; we did not want you to have any questions about the integrity of that investigation. You also made it clear that not only were the people at OCI unfit to investigate your complaint but people in the Law Department, or pretty much any place else in the city would also be unfit to investigate your complaint. As a result, at our recommendation, and at our expense, an outside investigator, an esteemed Attorney in this city, Thomas Marshall, was retained to investigate your complaint. OCI ceased its investigation and Thomas Marshall was retained to conduct the investigation that you said OCI was incompetent to investigate.

Thomas Marshall conducted a complete investigation. My understanding is that he in fact, although he did not have to, sent you his complete factual findings for

your opportunity to make any comments, suggestions, changes, or corrections that you saw fit to make before he finalized his report. His finalized report then came back to the Commission and the Commission approved it, and as normally the case, once a report is finalized; if there is a finding of any possible wrongdoing that then goes to the Chief. That has happened and the Chief has taken the action that her office deems appropriate and that is what she says you are being reported back on. But there is not to my knowledge, a 2 year-old complaint of any kind. Your complaint went through Mr. Marshall and now to the Chief, and OCI isn't investigating anything at this point. I am looking at Chief Investigator Sheard and Denise Hooks, both who have been involved in this process. Is that correct?

Denise Hooks, Attorney/Supervising Investigator stated that you are correct. I believe that Ainsley Cromwell can add a little clarification and a little bit more of an explanation that but basically.....(inaudible)

Comm. Norris stated I guess I want to make sure is that there is not some other complaint at OCI that I was unaware of because we have been very aware of this. We have been spending considerable resources trying to make you comfortable that the people in your complaint were not an entire world of people that you seem to think that we are incapable of doing that.

Mr. Henry Dudzinski stated there are some inaccuracies in the statements you made. I have never received an official OCI form regarding my total complaint. The original complaint had to do with among other things, the fact that the Detroit Police Department has opened up a "red squad" type file on me. I have the evidence, also the fact that OCI Investigators never investigated the complaint that I made to them. Furthermore, they denied it. They denied it and I have it in the documents that I filed. That has never been investigated. I have conversations back and forth with the Senior Investigator and he said to me, "You write out the complaint and send it to my office.". Which I did, I wrote out my complete complaint.

Comm. Norris asked but this is 2 years ago?

Mr. Henry Dudzinski answered yes.

Comm. Norris stated that is what I am saying, Mr. Dudzinski.

Mr. Henry Dudzinski stated excuse me, I respected your time on the floor.

Comm. Norris stated well actually this is my meeting.

Mr. Henry Dudzinski stated that we have to have a dialogue.

Comm. Norris stated that what she is saying is that you filed two (2) years ago. I don't know what you filed two (2) years, I don't know what you filed two (2) years ago, and I am not questioning you about that. I am not challenging you.

Mr. Henry Dudzinski stated you don't know because you probably never even received a copy of it.

Comm. Norris stated excuse me, Mr. Dudzinski, what I am saying is after you filed that, you made it clear publicly and loudly that you did not have any faith in the ability of OCI to investigate your complaint, and OCI then turned those over to somebody else outside. If you think that more should have been investigated, OCI can't investigate itself so we can't help you with that. I don't believe that there is anything that OCI is looking into on your behalf because you made it clear that you did not trust OCI.

Comm. Blackwell stated that there is no way to continue this dialogue in this forum. We need to handle this afterwards.

Comm. Norris stated I would be happy to talk to you at the conclusion of the meeting about where things stand but I will tell you here, there won't be anything coming from OCI, at this point, your matter was turned over.

Mr. Henry Dudzinski stated that I received the same stonewalling that Mr. Blackwell just alluded to which you cut me off.....

Comm. Blackwell stated Sir, you have talked for 5 to 6 minutes, which is 300% longer than we allow. What I am saying is that you are trying to resolve a issue at the podium that can not be resolved. What the Chief has said and what Comm. Norris has said, and other people have said is that your issue, they are working on it and you need after the meeting to sit down with them and get all of the pertinent facts together. We are not going to do that here, we need to move on to the next speaker period, thank you.

Mr. Cracchiolo asked if the Board of Police Commissioners approve overtime for police officers?

Comm. Norris stated that we have overall authority to vote on the budget but we don't have any say on individual situations of overtime at all except for our own staff.

Mr. Cracchiolo stated in other words if a police officer spends too much time and has to be reimbursed for that.

Comm. Norris stated that does not come through us that would go up to the Chief through her channels of command and then ultimately if Budget gets exceeded, then City Council will likely get dealt with.

Mr. Cracchiolo would like to ask the Chief, in light of 911, if there could have been some action that might have been taken to foresee something like this? With the safety of the citizens in the city of Detroit at stake, could more police appearance on the streets is a deterrent to crime? When the Chief initiated more police officers on the street, a decision was made that it should stop; what was the mindset on that?

Chief Ella M. Bully-Cummings stated that she would never make a decision that would compromise the safety of any citizen in the city of Detroit. I would never do that. We are taking a look at where people in the police department are, so that we can realign those resources so that we do have increased physical patrols on the streets.

Mr. Cracchiolo stated when I asked this question a week ago, you said it was a management decision.

Comm. Norris stated that if the Chief thinks that she cant do her job with the resources she has, she has avenues to get more resources. What she said is that I think I can do my job with the resources that I have but I may need to deploy those resources slightly differently than I have in the past. Is that fair to say that Chief?

Chief Ella M. Bully-Cummings answered that is fair. But let me say this, Mr. Cracchiolo, I also have to as an administrator in the police department, I also have to fiscally responsible but I would never do that at the expense of the safety of the citizens in the city. I live in the city also, and I am just as concerned as you are about public safety. So we are moving in the direction of putting more personnel out on the street.

Ms. Walters expressed her concerns about the summer months and wanted to know if the curfews are being enforced for young children under 12 years old. She also expressed her concerns about the recent murders and stated it has a lot to deal with social issues.

10. ANNOUNCEMENT OF NEXT MEETING

Thursday, April 8, 2004, @ 6:30 p.m.
Harbor Hill Marina
11000 Freud St.
Detroit, MI 48214

11. ADJOURNMENT

Meeting was adjourned at 4:00 p.m.

Respectfully Submitted,

DANTE' L. GOSS

Executive Director

Board of Police Commissioners

DLG/fyh